

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JAMES MAY, *on behalf of himself and all
others similarly situated,*

Plaintiff,

v.

EXPEDIA, INC., et al.,

Defendants.

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1:16-CV-1211-RP

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Mark Lane concerning Defendants Expedia, Inc. and HomeAway.com, Inc.’s (together, “Defendants”) Motion to Compel Arbitration and Dismiss This Suit, (Dkt. 12). (R. & R., Dkt. 24). Pursuant to 28 U.S.C. § 636(b) and Rule 1(h) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Lane issued his report and recommendation on July 19, 2018. (*Id.*). As of the date of this order, no party has filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge’s proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. When no objections are timely filed, a district court can review the magistrate’s report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee’s note (“When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. 24), is **ADOPTED**. Defendants' Motion to Compel Arbitration and Dismiss This Suit, (Dkt. 12), is **GRANTED**. Plaintiff's claims are **DISMISSED WITH PREJUDICE**.¹ Plaintiff shall submit the claims presented in this action against Defendants, if at all, to arbitration. The Clerk of the Court is directed to **CLOSE** this action.

SIGNED on August 27, 2018.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE

¹ "The weight of authority clearly supports dismissal of the case when all of the issues raised in the district court must be submitted to arbitration." *Alford v. Dean Witter Reynolds*, 975 F.2d 1161, 1164 (5th Cir. 1992) (affirming a dismissal with prejudice).